

## **REMARKS**

### **I. Status Summary**

Claims 1, 2, 5-6, and 8-12 are all the claims pending in the application. Applicant amends claims 1, 5, and 10, and cancels claims 4, 6 and 7 accordingly. No new matter is added. Entry of this Amendment is respectfully requested.

### **II. Claim Rejections**

Claims 1, 2, 4, 5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by VanBrocklin 5,108,013.

Claims 1, 2, 4, 6, 7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tada 3,897,006.

Claims 1, 2, 4, 5 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Pous 6,672,488 in view of Dutt 4,461,393.

Claims 1, 2, 4, 5 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durliat et al. 6,053,371 in view of Dutt 4,461,393.

#### **A. Claim 1**

Amended claim 1 clarifies the cone shaped profile of the fastener, and its structural cooperation with the two projections of the sealing mean.

In the Office Action, Tada allegedly discloses the cone-shaped fastener, particularly, “14 and 18 taper in or are cone shaped”. (See page 3, regarding rejection of claim 7.)

However, in Tada, the fastener element is actually clamping ring 22 which provides fixing on the container (see col. 2, lines 27-34). The clamping ring 22 does not have a cone

shaped profile. Moreover, it does not have a tip of the cone shaped profile disposed, after assembly, between two projections of the sealing means (in Tada, seal member 18).

Furthermore, even when considering neck portion 14 as the fastener element, as suggested by the Examiner, the neck portion 14 does not have a cone-shaped profile with the tip of the cone disposed between two projections of the seal member 18.

Still further, seal member 18 is frusto-conical, but both neck portion 14 and clamping ring 22 are outside the seal member 18, and thus cannot have a tip portion of a cone shape disposed inside the seal member 18, between the frusto-conical seal-member.

In view of the foregoing, amended claim 1 is not disclosed by Tada. Moreover, none of the other cited references teach or suggest this structural configuration, and there is no rationale for modifying Tada to have the claimed structural configuration between a tip of a cone shaped fastener and two projections of a sealing means.

As such, amended claim 1 is patentable.

#### B. Claim 10

Amended claim 10 is patentable for similar reasons to claim 1. Tada fails to teach or suggest the claimed invention wherein the fastener is cone shaped, having the tip of the cone disposed between two projections of the seal member.

#### C. Dependent Claims

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claims 1 and 10, by virtue of their dependency therefrom.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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